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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/971,857

Applicant(s)

SYMONS ET AL.

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 recites the limitation "said comparing step" in line 9. There is insufficient antecedent basis for this limitation in the claim.
- Claim 3 recites the limitation "said change" in line 19. There is insufficient antecedent basis for this limitation in the claim.
- Claims 2-9 are rejected due to their dependency on claim 1.
- Claims 10-27 are rejected for the same reasons as in claims 1-9.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, 10, 12-14, 19 and 21-23 are rejected under 35 U.S.C. 102(b) based upon the invention anticipated by Burgess et al. (U. S. Patent No. 5,696,701).

As per claim 1, Burgess et al. discloses a method for managing a network infrastructure (see abstract, read as monitoring computer network) comprising: storing an expected network infrastructure description (read as storing performance values of monitored network computer, fig. 8 item #138 and #140); comparing said expected network infrastructure description with a current network infrastructure description (network infrastructure description is interpreted as configuration information of a computer, col. 5 L24-43); and outputting a result of said comparing step (col. 5 L43-51), wherein differences (read as configuration changes) between said expected network infrastructure description and said current network infrastructure disruption are displayed (col. 4 L26-36 and fig. 2 item #40); .

As per claim 3, Burgess further discloses the method as in claim 1, wherein said method further comprises changing said network infrastructure with a configuration agent (read as monitoring and tracking agent, col. 7 L60-67 to col. 8 L1-2 and fig. 1 item #16 and fig. 3 item #48) and storing said change in said expected network infrastructure description (fig. 5 item #90).

As per claim 4, Burgess further discloses the method for managing a network as in claim 1, wherein said comparing further comprises collecting said current network infrastructure description (read as gathering system configuration information, col. 5 L24-39).

As per claim 5, Burgess discloses the method as in claim 1, wherein said collecting of said current network infrastructure description further comprises using agents to collect said current network infrastructure description (read as monitoring and tracking agent, col. 5 L10-40).

As per claim 10, it is inherent that the computer system would have a bus, a memory coupled to bus, and a processor coupled to bus because without these elements the computer

Art Unit: 2151

would not operate. Therefore, claim 10 is rejected for the same reasons set forth in claim 1 above.

As per claims 12-14, 19 and 21-23, they do not teach or further define over the limitations in claims 1 and 3-5. Therefore, claims 12-14, 19 and 21-23 are rejected for the same reasons set forth in claims 1 and 3-5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 9, 18 and 27 are rejected under 35 U.S.C. 103(a) as being obvious over Burgess et al (U. S. Patent No. 5,696,701).

As per claim 9, Burgess teaches the process of outputting a message indicating that an event has occurred, wherein the message includes data about the event (col. 6 L18-25), however, Burgess does not explicitly teach outputting a message stating that said expected network infrastructure description and said current infrastructure description are identical. But, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Burgess teaching to output a message stating expected and current infrastructure description are identical. One of ordinary skilled in the art would have been motivated because doing so would have notified the network administrator about the status of the computer.

As per claims 18 and 27, they do not teach or further define over the limitations in claim 9. Therefore, claims 18 and 27 are rejected for the same reasons as set forth in claim 9.

7. Claims 2, 6-7, 11, 15-16, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being obvious over Burgess et al (U. S. Patent No. 5,696,701) in view of Miyake et al. (U. S. Pub. No. 2001/0042118 A1).

As per claim 2, Burgess does not explicitly disclose the method as in claim 1, wherein said network infrastructure is a switched network infrastructure.

Miyake et al, from the same field of endeavor, explicitly disclose the switched media network environment (pg. 1 para. 3).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Miyake with the system and method of Burgess in order to configure and implement the method and system in a switched network environment.

The motivation for doing so would have been because switched networks allows a large number of users to share limited resources and would have also effectively utilized a limited bandwidth of a network and reducing network traffic (Miyake, pg. 1 para. 3). The switched network is also widely used today because it enables faster communications.

As per claim 6, Burgess does not explicitly disclose the method as in claim 1, wherein said comparing further comprises converting said expected network infrastructure description into an expected network infrastructure graphical description and converting said current network infrastructure description into a current network infrastructure graphical description. Miyake, from the same field of endeavor, explicitly discloses a method capable of displaying two-dimensional data in a two-dimensional display area and all portion of the two-dimensionally displayed data is displayed three-dimensionally in a three-dimensionally area (read as network infrastructure description is converted to network infrastructure graphical representation, see abstract; fig. 27 and fig. 68 item #32 displayed graphically as item #47). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Miyake as stated above with the system and method of Burgess in order to convert the network infrastructure description to a network infrastructure graphical description. One of ordinary skilled in the art would have been motivated because doing so would have enabled user manipulation of the logical network topologies. It would have also provided a better understanding of the network entities and its information by converting the two-dimensional data to three-dimensional data.

As per claim 7, Burgess and Miyake does not explicitly teach comparing said expected network infrastructure graphical description with said current network infrastructure graphical description, however, Miyake discloses a manipulation area and a three-dimensional display area (read as graphical representation, fig. 27 item #20, #21, #22 and #23). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Miyake to compare the two graphical description (comparing visually item #21 and item #20). One of ordinary skilled in the art would have been motivated because the differences in the network topology or infrastructure between the expected and current description would have been determined efficiently and precisely.

As per claims 11, 15-16, 20 and 24-25, they do not teach or further define over the limitations in claims 2 and 6-7. Therefore, claims 11, 15-16, 20 and 24-25 are rejected for the same reasons as set forth in claims 2 and 6-7.

8. Claims 8, 17 and 26 are rejected under 35 U.S.C. 103(a) as being obvious over Burgess et al (U. S. Patent No. 5,696,701) in view of Fitzgerald et al. (U. S. Patent No. 5,581,764).

As per claim 8, Burgess does not explicitly disclose outputting a list of devices from said expected network infrastructure description which are missing from said current network infrastructure description, outputting a list of devices from said current network infrastructure description having a different configuration from the configuration of said devices in said expected network infrastructure description and outputting a list of devices from said current network infrastructure description which are not described in said expected network infrastructure description.

Fitzgerald, from the same field of endeavor, discloses the method of comparing a Should have list (SH, read as expected network infrastructure description) and Already have list (AH, read as current network infrastructure description) of network resources (fig. 24 block #98) and based on comparison, generating (read as outputting) a Need List that identifies items that are present in the AH list but absent from SH list (col. 5 L10-30). A Need list also identifies resource deletions, additions, and updates necessary to configure a desktop (read as list which identifies the missing component, not described component and component with different configuration in either expected or current network infrastructure description, fig. 24 item #98 and #100 and fig. 25 item #112, #114, #116 and #118; fig. 3 considering an update function for a device with different configuration, delete function for a deleting devices or resources that are missing from current network infrastructure description and adding function for adding resources that are not described in expected network infrastructure description or Should have list; col. 5 L10-57).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Fitzgerald as stated above with the system and method of Burgess in order to output a list of devices that are missing from current network infrastructure description, devices or resources having a different configuration from expected configuration and devices that are not described in expected network infrastructure description.

One of ordinary skilled in the art would have been motivated because doing would have automated and enabled the management of changes in a distributed computing environment (Fitzgerald, col. 8 L15-21). It would have also articulated and managed the specific system configuration requirements and would have further permitted dynamic reconfiguration of a

Art Unit: 2151

system based upon policy changes and system technology configuration changes (Fitzgerald, col. 7 L30-35). Also, it would have enabled resource deletions, additions, and updates necessary to configure computer systems in accordance with administrator requirements (Fitzgerald, col. 5 L35-40).

As per claim 17 and 26, they do not teach or further define over the limitations in claim 8. Therefore, claims 17 and 26 are rejected for the same reasons as set forth in claim 8.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on 9.00am-5.30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ZARNI MAUNG

SUPERVISORY PATENT EXAMINER